

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/4/2016 5:01:49 PM
To: Richards, Tina [Tina.Richards@mail.house.gov]
CC: Couri, Jerry [JerryCouri@mail.house.gov]; McCarthy, David [David.McCarthy@mail.house.gov]
Subject: Re: HEC TSCA TA request Re: Section 6(d)

We think it would help to do a quick call to clarify the 6(d) questions. Is 1:15pm possible? Ex. 6 - Personal Privacy code
Ex. 6 - Personal Privacy Please confirm if that works. Thanks,
Sven

On May 4, 2016, at 12:39 PM, Richards, Tina <Tina.Richards@mail.house.gov> wrote:

Sven - could you also ask Brian (think it was his comment) where there was a singular/plural issue with the data to information change -- HLC can't find it -- thanks in advance!

On May 4, 2016, at 12:23 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

Jerry - got it - checking. Thanks,
Sven

On May 4, 2016, at 12:10 PM, Couri, Jerry <JerryCouri@mail.house.gov> wrote:

In talking to House Legislative Counsel, reinserting existing section 6(d)(2) could create some conflicts/overlap with new section (d)(1). Since you guys mentioned there may need to be some tweaks here, wanted to get rapid TA to clear this up and locked down.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/4/2016 4:23:30 PM
To: Couri, Jerry [JerryCouri@mail.house.gov]
CC: McCarthy, David [David.McCarthy@mail.house.gov]; Richards, Tina [Tina.Richards@mail.house.gov]
Subject: HEC TSCA TA request Re: Section 6(d)

Jerry - got it - checking. Thanks,
Sven

On May 4, 2016, at 12:10 PM, Couri, Jerry <JerryCouri@mail.house.gov> wrote:

In talking to House Legislative Counsel, reinserting existing section 6(d)(2) could create some conflicts/overlap with new section (d)(1). Since you guys mentioned there may need to be some tweaks here, wanted to get rapid TA to clear this up and locked down.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/21/2016 5:26:02 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey Briefing Request on Glyphosate

Michal,
Ok for 4:30pm on Weds, June 29 – will need to stop at 5. Will send a scheduler. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, June 21, 2016 11:07 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Maybe 4:30?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 21, 2016 11:00 AM
To: Freedhoff, Michal (Markey)
Subject: RE: Sen. Markey Briefing Request on Glyphosate

Michal – for the glyphosate briefing, next Weds, June 29 works best for us – any time available for you? Later in the week not so good. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, June 21, 2016 8:05 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Let's look at late next week - I have a conflict at those times this week. See you tomorrow?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 21, 2016 7:57 AM
To: Freedhoff, Michal (Markey)
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Michal- For the glyphosate briefing, we can do Thurs, June 23 at 10:30 or 11. Unfortunately, we can't do Friday. If that's too tight, perhaps we can look at next week.

Also, we're on for 9am this morning on TSCA implementation. call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy
Thanks,
Sven

On Jun 17, 2016, at 11:11 AM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Next Fri morning seems workable.

Basically I'm trying to understand the basis of the apparent scientific disagreement between EPA and IARC, recognizing that a regulatory-risk based conclusion might differ from a hazard-based conclusion. More focus on science questions than process questions, but I would be interested in the process/timing of what EPA is doing next on this.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey
<image001.png><image002.png><image003.png><image004.jpg>

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, June 17, 2016 9:16 AM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey Briefing Request on Glyphosate

Michal – Nichole said that you would like a briefing on glyphosate. I'm thinking later next week (perhaps Thurs or Fri morning) or the following week. Please let me know your sense of timing and if any specific questions we should prepare for. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/21/2016 2:59:57 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey Briefing Request on Glyphosate

Michal – for the glyphosate briefing, next Weds, June 29 works best for us – any time available for you? Later in the week not so good. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, June 21, 2016 8:05 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Let's look at late next week - I have a conflict at those times this week. See you tomorrow?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 21, 2016 7:57 AM
To: Freedhoff, Michal (Markey)
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Michal- For the glyphosate briefing, we can do Thurs, June 23 at 10:30 or 11. Unfortunately, we can't do Friday. If that's too tight, perhaps we can look at next week.

Also, we're on for 9am this morning on TSCA implementation. call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy
Thanks,
Sven

On Jun 17, 2016, at 11:11 AM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Next Fri morning seems workable.

Basically I'm trying to understand the basis of the apparent scientific disagreement between EPA and IARC, recognizing that a regulatory-risk based conclusion might differ from a hazard-based conclusion. More focus on science questions than process questions, but I would be interested in the process/timing of what EPA is doing next on this.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations

Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, June 17, 2016 9:16 AM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey Briefing Request on Glyphosate

Michal – Nichole said that you would like a briefing on glyphosate. I'm thinking later next week (perhaps Thurs or Fri morning) or the following week. Please let me know your sense of timing and if any specific questions we should prepare for. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/21/2016 11:57:46 AM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: Sen. Markey Briefing Request on Glyphosate

Michal- For the glyphosate briefing, we can do Thurs, June 23 at 10:30 or 11. Unfortunately, we can't do Friday. If that's too tight, perhaps we can look at next week.

Also, we're on for 9am this morning on TSCA implementation. call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy.
Thanks,
Sven

On Jun 17, 2016, at 11:11 AM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Next Fri morning seems workable.

Basically I'm trying to understand the basis of the apparent scientific disagreement between EPA and IARC, recognizing that a regulatory-risk based conclusion might differ from a hazard-based conclusion. More focus on science questions than process questions, but I would be interested in the process/timing of what EPA is doing next on this.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, June 17, 2016 9:16 AM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey Briefing Request on Glyphosate

Michal – Nichole said that you would like a briefing on glyphosate. I'm thinking later next week (perhaps Thurs or Fri morning) or the following week. Please let me know your sense of timing and if any specific questions we should prepare for. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Appointment

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/17/2016 9:01:42 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Request for TSCA Implementation Briefing
Attachments: ATT36291; ATT04778; ATT68226; ATT80249
Location: Call - [Ex. 6 - Personal Privacy] code [Ex. 6 - Personal Privacy]
Start: 6/21/2016 1:00:00 PM
End: 6/21/2016 2:00:00 PM
Show Time As: Tentative

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, June 16, 2016 5:15 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey Request for TSCA Implementation Briefing

Let's do Tues.

I'd be happy to do it in person, but if that blows up their morning let me know and we can do phone instead.

Thanks
michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, June 16, 2016 5:04 PM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey Request for TSCA Implementation Briefing

Michal – for the TSCA implementation briefing, Jim and Wendy have availabilities:
Tues, June 21 at 9am
Weds, June 22 at 9am

Does either of those work for you? Also, phone okay or were you thinking in person? Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Tuesday, June 14, 2016 9:00 AM
To: 'Freedhoff, Michal (Markey)' <Michal_Freedhoff@markey.senate.gov>
Subject: Sen. Markey Request for TSCA Implementation Briefing

Michal – following up on your request for an implementation briefing, this week is hard with key folks traveling. I'm looking at availabilities for next week – any days to avoid? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/16/2016 9:04:15 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Request for TSCA Implementation Briefing

Michal – for the TSCA implementation briefing, Jim and Wendy have availabilities:
Tues, June 21 at 9am
Weds, June 22 at 9am

Does either of those work for you? Also, phone okay or were you thinking in person? Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Tuesday, June 14, 2016 9:00 AM
To: 'Freedhoff, Michal (Markey)' <Michal_Freedhoff@markey.senate.gov>
Subject: Sen. Markey Request for TSCA Implementation Briefing

Michal – following up on your request for an implementation briefing, this week is hard with key folks traveling. I'm looking at availabilities for next week – any days to avoid? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/17/2015 7:22:50 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey TSCA TA Requests

Michal - It might take until Tues of next week and then it gets harder as people start taking holiday leave.
Thanks,
Sven

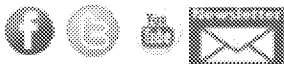
Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, December 17, 2015 1:52 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey TSCA TA Requests

Yes, I'd like both, and my guess on timing on next steps is as good as anyone's today. What is your sense of how long each would take?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, December 17, 2015 1:51 PM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey TSCA TA Requests

Michal – what's your sense of timing on the multipart TA request. Also, do you still want the TA on the 4 different ways to factor costs, and if so, do you want that before or after the multipart request below. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, December 17, 2015 12:31 PM
To: Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: TA request

Hi Nichole

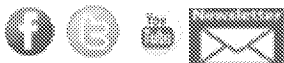
I was hoping to get responses to the following questions:

- 1) The safety standard approach in this bill uses underlying TSCA's "unreasonable risk" lexicon. In the changes to TSCA section 6, EPA is told not to include costs or other non-risk factors, which presumably allows EPA to make chemical safety decisions exclusively using scientific risk assessments. Do you agree with my assessment of this as far as Section 6 goes? Does EPA also believe that this bill ensures that EPA cannot consider costs or other non-risk factors in other sections of TSCA, and if not, why not? Does this bill address in totality throughout TSCA the "unreasonable risk" argument that was used to overturn the asbestos ban?
- 2) Does EPA have the authority it needs under this bill to require testing of chemicals? Is the current TSCA catch-22 test finding which requires EPA to find that there may be an unreasonable risk BEFORE requiring such testing removed in this language?
- 3) Does EPA have sufficient flexibility in this bill to appropriately consider costs of rulemaking, while also ensuring that it will not have undue litigation risk or incur analytic burden if it does not find that a cost-effective regulatory option that will address the risk the chemical poses exists?
- 4) Is EPA required to assess the safety of a new chemical on vulnerable subpopulations under this bill?
- 5) Does this text give EPA the clear authority to set priorities for conducting risk evaluations that allows EPA to study chemicals that are ubiquitous OR known/suspected hazards? Are there deadlines that are enforceable for EPA to conduct its chemical safety responsibilities in this bill?
- 6) Does this bill require manufacturers to substantiate new and old CBI claims? Can data relevant to health and safety be treated as CBI under this bill? Does EPA have authority under this bill to provide CBI to state and local governments when necessary?
- 7) Does this bill ensure that EPA will get sufficient industry and other resources to fund its TSCA activities? How does this bill's funding for EPA intersect with the ability for industry to request that EPA perform risk evaluations under the bill?
- 8) Does the bill give EPA the mechanisms and authorities to expeditiously target chemicals of concern and promptly assess and regulate new and existing chemicals?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/17/2015 6:50:56 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA TA Requests

Michal – what's your sense of timing on the multipart TA request. Also, do you still want the TA on the 4 different ways to factor costs, and if so, do you want that before or after the multipart request below. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, December 17, 2015 12:31 PM
To: Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: TA request

Hi Nichole

I was hoping to get responses to the following questions:

- 1) The safety standard approach in this bill uses underlying TSCA's "unreasonable risk" lexicon. In the changes to TSCA section 6, EPA is told not to include costs or other non-risk factors, which presumably allows EPA to make chemical safety decisions exclusively using scientific risk assessments. Do you agree with my assessment of this as far as Section 6 goes? Does EPA also believe that this bill ensures that EPA cannot consider costs or other non-risk factors in other sections of TSCA, and if not, why not? Does this bill address in totality throughout TSCA the "unreasonable risk" argument that was used to overturn the asbestos ban?
- 2) Does EPA have the authority it needs under this bill to require testing of chemicals? Is the current TSCA catch-22 test finding which requires EPA to find that there may be an unreasonable risk BEFORE requiring such testing removed in this language?
- 3) Does EPA have sufficient flexibility in this bill to appropriately consider costs of rulemaking, while also ensuring that it will not have undue litigation risk or incur analytic burden if it does not find that a cost-effective regulatory option that will address the risk the chemical poses exists?
- 4) Is EPA required to assess the safety of a new chemical on vulnerable subpopulations under this bill?
- 5) Does this text give EPA the clear authority to set priorities for conducting risk evaluations that allows EPA to study chemicals that are ubiquitous OR known/suspected hazards? Are there deadlines that are enforceable for EPA to conduct its chemical safety responsibilities in this bill?
- 6) Does this bill require manufacturers to substantiate new and old CBI claims? Can data relevant to health and safety be treated as CBI under this bill? Does EPA have authority under this bill to provide CBI to state and local governments when necessary?
- 7) Does this bill ensure that EPA will get sufficient industry and other resources to fund its TSCA activities? How does this bill's funding for EPA intersect with the ability for industry to request that EPA perform risk evaluations under the bill?

- 8) Does the bill give EPA the mechanisms and authorities to expeditiously target chemicals of concern and promptly assess and regulate new and existing chemicals?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/17/2015 12:34:24 AM
To: Fruci, Jean [Jean.Fruci@mail.house.gov]
CC: Kessler, Rick [Rick.Kessler@mail.house.gov]; Wright, Tuley [Tuley.Wright@mail.house.gov]
Subject: Re: request for technical assistance

Got it- thanks

On Dec 16, 2015, at 7:33 PM, "Fruci, Jean" <Jean.Fruci@mail.house.gov> wrote:

Sven:

Thanks for arranging today's call on TSCA. As a follow-up to today's discussion, we would like to have some assistance with the following:

- 1) <!--[if !supportLists]--><!--[endif]-->Alternative language to clarify the savings clauses to preserve existing state authorities under TSCA – especially with respect to Proposition 65.
- 2) <!--[if !supportLists]--><!--[endif]-->Alternative language to clarify the scope of pre-emption such that states' ability to act on chemical uses or health endpoints that EPA did not consider in a risk evaluation/risk management of a chemical is preserved.
- 3) <!--[if !supportLists]--><!--[endif]-->Alternative language on "Nomenclature" that preserves the Administrator's discretion to deviate from the conventions listed when necessary to carry out the purposes of the Act. (I have some language for you to consider also). It should be ready sometime tomorrow.
- 4) <!--[if !supportLists]--><!--[endif]-->Further consideration of the implications of changing "unreasonable risk" in other Sections of TSCA.

I think that does it for now.

Jean

Jean Fruci, Ph.D.
Professional Staff
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515
202 225-4407
Jean.Fruci@mail.house.gov

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/15/2015 9:44:23 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA TA request on cost considerations in a rule

Michal – thanks for the request. I'll get folks on it. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, December 15, 2015 4:26 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: TA - cost considerations in a rule

Sven

I'm attaching a document that lists in one place 4 different ways to factor costs into rulemaking. EPA has seen all of these before. I am trying to determine the following:

- 1) Can you rank these in order of added analytic burden to EPA (ie analysis above what is already required under administrative law, RIA, what EPA would expect to do as part of any rulemaking analysis, etc), and describe briefly the basis for the ranking?
- 2) Can you rank these in order of added litigation risk that the formulations may present, and describe (briefly) the basis for the ranking?

Thanks
Michal

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/15/2015 4:21:36 PM
To: 'Fruci, Jean' [Jean.Fruci@mail.house.gov]; Wright, Tuley [Tuley.Wright@mail.house.gov]; Kessler, Rick [Rick.Kessler@mail.house.gov]
Subject: HEC TA Request on TSCA Reform

Jean – we're working on the TA request and should have it for you later today or early tomorrow. Is there a time that would be good for you for a call tomorrow, Weds, Dec 16, to discuss it. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/14/2015 4:30:45 PM
To: 'Fruci, Jean' [Jean.Fruci@mail.house.gov]
CC: Kessler, Rick [Rick.Kessler@mail.house.gov]; Wright, Tuley [Tuley.Wright@mail.house.gov]
Subject: RE: HEC TA Request on TSCA Reform

Jean – thanks for the additional information. Let me know if 3pm works – call in number will be code Ex. 6 - Personal Privacy Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Fruci, Jean [mailto:Jean.Fruci@mail.house.gov]
Sent: Monday, December 14, 2015 11:29 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Kessler, Rick <Rick.Kessler@mail.house.gov>; Wright, Tuley <Tuley.Wright@mail.house.gov>
Subject: RE: HEC TA Request on TSCA Reform

Sven:

These are the documents that are in play. The House has not yet responded to the Senate's "list". Tuley and I are available at 3pm. I'll check with Rick Kessler and get back to you. Thanks.

Jean

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, December 14, 2015 10:52 AM
To: Fruci, Jean <Jean.Fruci@mail.house.gov>
Subject: HEC TA Request on TSCA Reform

Jean – I'll check on availability. Can you tell me what provisions you want to discuss so I can make sure to have the right folks. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Fruci, Jean [mailto:Jean.Fruci@mail.house.gov]
Sent: Monday, December 14, 2015 10:50 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: assistance on TSCA

Sven:

I would like to set up a call today with your TSCA team. You probably are aware that some discussions on reconciling Senate and House positions on TSCA are underway. We would like input – technical assistance and guidance – from the Administration to ensure we get the outcome we want.

Jean

Jean Fruci, Ph.D.
Committee on Energy & Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515
202-225-4407

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/25/2016 7:02:28 PM
BCC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Poirier, Bettina (EPW [Bettina_Poirier@epw.senate.gov]; 'Albritton, Jason (EPW)' [Jason_Albritton@epw.senate.gov]; Fox, Thomas (EPW [Thomas_Fox@epw.senate.gov]; Couri, Jerry [JerryCouri@mail.house.gov]; Richards, Tina [Tina.Richards@mail.house.gov]; McCarthy, David [David.McCarthy@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; Fruci, Jean [Jean.Fruci@mail.house.gov]
Subject: Notification: EPA posts new TSCA reform FAQs

Heads up that today EPA added more FAQs to the TSCA reform page. The new FAQs (#12-15) respond to preemption questions from states and other stakeholders. See <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-0>. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/14/2016 1:00:24 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Request for TSCA Implementation Briefing

Michal – following up on your request for an implementation briefing, this week is hard with key folks traveling. I'm looking at availabilities for next week – any days to avoid? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/25/2016 6:35:37 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: TSCA Preemption FAQs Posted

Michal – see new FAQs on preemption (Q12-15) - <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-0>. As I mentioned, we had other preemption questions from a state (MD) that are wrapped into the responses. We continue to work on the other TSCA reform questions (first 10 chems and prioritization; preemption and conditions of use), along with the PCB/asbestos requests. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/23/2016 8:44:35 PM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
Subject: Sen. Udall Inquiry on TSCA comments

Jonathan,
Comments following the risk evaluation and prioritization public meetings are due tomorrow, Weds, Aug 24, 2014. Of course, we'll still take comments after this period. Please let me know if any additional questions.
Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Tuesday, August 23, 2016 3:03 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: deadlines?

Is there a TSCA comment deadline today?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/8/2016 9:56:38 PM
To: jonathan_black@tomudall.senate.gov; Melissa_Zimmerman@appro.senate.gov
Subject: Sen. Udall TSCA budget request

Jonathan,
This responds to the request on current TSCA budget.

Below are the most recent budget numbers. – See p. 502 in the Congressional Justification - <http://www.epa.gov/sites/production/files/2016-02/documents/fy17-congressional-justification.pdf>.

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

Toxic Substances: Chemical Risk Review and Reduction
Program Area: Toxics Risk Review and Prevention
Goal: Ensuring the Safety of Chemicals and Preventing Pollution
Objective(s): Ensure Chemical Safety

(Dollars in Thousands)

	FY 2015 Actuals	FY 2016 Enacted	FY 2017 Pres Bud	FY 2017 Pres Bud v. FY 2016 Enacted
<i>Environmental Program & Management</i>	<i>\$58,721.1</i>	<i>\$58,554.0</i>	<i>\$67,186.0</i>	<i>\$8,632.0</i>
Total Budget Authority / Obligations	\$58,721.1	\$58,554.0	\$67,186.0	\$8,632.0
Total Workyears	225.1	238.7	248.7	10.0

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/8/2016 8:13:52 PM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Zimmerman, Melissa (Appropriations) [Melissa_Zimmerman@appro.senate.gov]
Subject: Sen. Udall inquiry on TSCA funding

Jonathan- thanks for the request. Will get a prompt response. Best,
Sven

On Jun 8, 2016, at 3:48 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Can you help me find out how to point this reporter into the right spot?

We were using the \$56M number that EPA has said the TSCA program office receives.

From: Talhelm, Jennifer (Tom Udall)
Sent: Wednesday, June 08, 2016 3:46 PM
To: Wallace, Andrew (Tom Udall) <Andrew_Wallace@tomudall.senate.gov>; Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: FW: Funding...

Can one of you help me with him/this?

From: <Dabbs>, Brian <bdabbs@bna.com>
Date: Wednesday, June 8, 2016 3:43 PM
To: Jennifer Talhelm <jennifer_talhelm@tomudall.senate.gov>
Subject: Funding...

Hey Jennifer. Nice to meet you today. Can you point me in the direction of the \$56 million figure Sen. Udall pointed to as the TSCA funding level? Couldn't find it in the omnibus.

Brian Dabbs

Reporter

Bloomberg BNA

Direct: [7033413746](tel:7033413746)

Mobile: [4103532509](tel:4103532509)

bdabbs@bna.com

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/7/2016 8:56:19 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey TSCA TA Request on weight of evidence

On it - thanks

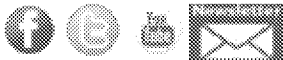
Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, June 07, 2016 4:47 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey TSCA TA Request on weight of evidence

You do need to hurry for tonight pls. nothing firm but clear agitation.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, June 07, 2016 3:30 PM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey TSCA TA Request on weight of evidence

Michal – got it checking. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, June 07, 2016 3:29 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: Pls quickly take a look - for legislative history, was suggested.

The term “weight of evidence” refers to a systematic review method that uses a pre-established protocol to comprehensively, objectively, transparently, and consistently, identify and evaluate each stream of evidence, including strengths, limitations, and relevance of each study and to integrate evidence as necessary and appropriate based upon strengths, limitations, and relevance. This requirement is not intended to prevent the Agency from considering academic studies, or any other category of study. We expect that when EPA makes a weight of the evidence decision it will fully describe its use and methods.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/15/2016 7:24:19 PM
To: 'Couri, Jerry' [JerryCouri@mail.house.gov]
CC: McCarthy, David [David.McCarthy@mail.house.gov]
Subject: RE: HEC Briefing Request on TSCA Implementation

Jerry,
For tomorrow, Tues, Aug 16, we are available after 5pm.
For Weds, Aug 17, we are available 1-2pm and after 3:30pm.

It would be great to have you over here if the offer is still open. Please let me know, Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [mailto:JerryCouri@mail.house.gov]
Sent: Monday, August 15, 2016 11:29 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: McCarthy, David <David.McCarthy@mail.house.gov>
Subject: RE: HEC Briefing Request on TSCA Implementation

General implementation issues, including status of work on activities with required deadlines, and CBI.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, August 15, 2016 11:26 AM
To: Couri, Jerry
Cc: McCarthy, David
Subject: HEC Briefing Request on TSCA Implementation

Jerry – got it – checking on timing. Any particular issues we should prepare for? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [mailto:JerryCouri@mail.house.gov]
Sent: Monday, August 15, 2016 11:18 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: McCarthy, David <David.McCarthy@mail.house.gov>
Subject: tsca

Does tomorrow or Wednesday work for a discussion on TSCA. Dave and I will even come down to EPA if that makes it easier for you.

Gerald S. Couri

Senior Environmental Policy Advisor | Committee on Energy and Commerce

U.S. House of Representatives

2125 Rayburn Building | 202.226.9603 (direct)



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/15/2016 3:29:19 PM
To: 'Couri, Jerry' [JerryCouri@mail.house.gov]
CC: McCarthy, David [David.McCarthy@mail.house.gov]
Subject: RE: HEC Briefing Request on TSCA Implementation

thanks

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [mailto:JerryCouri@mail.house.gov]
Sent: Monday, August 15, 2016 11:29 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: McCarthy, David <David.McCarthy@mail.house.gov>
Subject: RE: HEC Briefing Request on TSCA Implementation

General implementation issues, including status of work on activities with required deadlines, and CBI.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, August 15, 2016 11:26 AM
To: Couri, Jerry
Cc: McCarthy, David
Subject: HEC Briefing Request on TSCA Implementation

Jerry – got it – checking on timing. Any particular issues we should prepare for? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [mailto:JerryCouri@mail.house.gov]
Sent: Monday, August 15, 2016 11:18 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: McCarthy, David <David.McCarthy@mail.house.gov>
Subject: tsca

Does tomorrow or Wednesday work for a discussion on TSCA. Dave and I will even come down to EPA if that makes it easier for you.

Gerald S. Couri
Senior Environmental Policy Advisor | Committee on Energy and Commerce
U.S. House of Representatives

2125 Rayburn Building | 202.226.9603 (direct)



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/15/2016 3:26:29 PM
To: 'Couri, Jerry' [JerryCouri@mail.house.gov]
CC: McCarthy, David [David.McCarthy@mail.house.gov]
Subject: HEC Briefing Request on TSCA Implementation

Jerry – got it – checking on timing. Any particular issues we should prepare for? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [mailto:JerryCouri@mail.house.gov]
Sent: Monday, August 15, 2016 11:18 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: McCarthy, David <David.McCarthy@mail.house.gov>
Subject: tsca

Does tomorrow or Wednesday work for a discussion on TSCA. Dave and I will even come down to EPA if that makes it easier for you.

Gerald S. Couri
Senior Environmental Policy Advisor | Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn Building | 202.226.9603 (direct)



From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 8/12/2016 3:50:36 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Inquiry on TSCA Section 26 and First 10 Workplan Chemicals

Michal,

This responds to the questions on TSCA section 26 and the first 10 chemicals.

Question:

First 10 Workplan chemicals and categories

What if there were some chemically analogous substances on the WP, but some chemically analogous substances that were NOT on the WP. Could the latter non-WP chemicals be evaluated/regulated as part of a first 10 WP group? ie do ALL the chemicals in the category need to be on the WP in order to be in the first 10 list?

First 10 Workplan chemicals and preemption

Say the scenario I have below works. You have 1 chemical on the WP, and you create a category that ropes in an additional 12 non-WP chemicals that are structurally analogous. What happens to those 12 non-WP chemicals if they hitch a ride on one of the first 10 WP REs by way of preemption? are they exempt from pause? If not, since they are not high-prioritized, what are they preemption-wise?

EPA Response: Based on our analysis of the statute to date, we are doubtful that TSCA authorizes EPA to establish a category (consisting of both Workplan chemical substances and non-Workplan chemical substances) and to then deem that category as one of the 10 Workplan chemical substances. Here is our reasoning:

- Section 26(c) establishes a rule of statutory construction for understanding how the rest of TSCA operates with respect to a category: “any reference in this Act to a chemical substance . . . (insofar as it relates to such action) shall be deemed to be a reference to each chemical substance . . . in such category)”
- Turning to section 6(b)(2)(A), the statute specifies that in order to be among the initial 10, a chemical substance must be “drawn from the 2014 update of the TSCA Work Plan.”
- Applying the rule of statutory construction from section 26(c) to the command in section 6(b)(2)(A), this seems to transform the requirement that a chemical substance be drawn from the Workplan into a requirement that “each chemical substance” in the category be drawn from the Workplan.

But EPA need not fold analogous non-Workplan chemical substances into a broader Workplan chemical category in order to proceed expeditiously with these non-Workplan analogues. TSCA gives EPA the flexibility to start a risk evaluation on a chemical substance that has not been identified as a Workplan chemical substance, designated as a high priority substance, or requested by industry. Thus, EPA could simply start risk evaluations on certain non-Workplan chemical substances at the same time that it starts risk evaluations on the analogous Workplan chemical substances. With respect to pause preemption, there would be no pause preemption for the non-Workplan analogues unless and until EPA designated them as high priority substances under section 6(b)(1)(B)(i).

For example, EPA could use its category authority to create two categories. The first would be a set of chemically analogous substances, all of which were drawn from the Workplan. The second would be a set of further chemically analogous substances, not drawn from the Workplan. EPA could identify the first category under section 6(b)(2)(A) and start a risk evaluation accordingly. EPA would not identify the second category under section 6(b)(2)(A), but could nonetheless start a risk evaluation on it, in tandem with the first category.

Please let me know if any additional questions. Thanks,
Sven

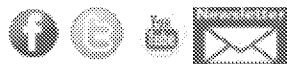
Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, July 19, 2016 3:18 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey Inquiry on TSCA Section 26 and First 10 Workplan Chemicals

And, actually, a second followup here – say the scenario I have below works. You have 1 chemical on the WP, and you create a category that ropes in an additional 12 non-WP chemicals that are structurally analogous. What happens to those 12 non-WP chemicals if they hitch a ride on one of the first 10 WP REs by way of preemption? are they exempt from pause? If not, since they are not high-prioritized, what are they preemption-wise?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

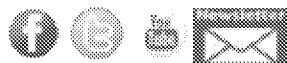


From: Freedhoff, Michal (Markey)
Sent: Tuesday, July 19, 2016 2:49 PM
To: 'Kaiser, Sven-Erik'
Subject: RE: Sen. Markey Inquiry on TSCA Section 26 and First 10 Workplan Chemicals

As a follow-up question – what if there were some chemically analogous substances on the WP, but some chemically analogous substances that were NOT on the WP. Could the latter non-WP chemicals be evaluated/regulated as part of a first 10 WP group? ie do ALL the chemicals in the category need to be on the WP in order to be in the first 10 list?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, July 19, 2016 12:17 PM

To: Freedhoff, Michal (Markey)

Subject: Sen. Markey Inquiry on TSCA Section 26 and First 10 Workplan Chemicals

Michal,

This responds to the inquiry on using TSCA section 26 for the first 10 Workplan chemicals. You ask whether EPA believes it would be legally defensible to deem a category of chemically analogous Workplan chemicals to be a single chemical substance, for purposes of section 6(b)(2)(A) (EPA to commence risk evaluations for 10 chemical substances within 180 days of enactment). We believe this would be a legally defensible exercise of EPA's authority under 26(c).

EPA has broad discretion under section 26(c) to define chemical categories, including based on similar uses and similar chemical properties. With respect to such categories, section 26(c) establishes a general rule of construction that applies throughout the whole Act: "any reference in this Act to a chemical substance or mixture (insofar as it relates to such action) shall be deemed to be a reference to each chemical substance or mixture in such category." Thus, one of the 10 chemical substances referenced in 6(b)(2)(A) could be actually be a category that EPA established under 26(c).

The question you raise is not beyond debate, but we believe ours is the better reading of the statute. Congress knew about the existence of 26(c) at the time TSCA was amended to add 6(b)(2)(A), and yet did not limit 26(c) to prevent it from being applied to 6(b)(2)(A). We therefore believe that the stronger implication is that Congress did not intend to modify 26(c) so that it applies more narrowly in the context of 6(b)(2)(A). Furthermore, in terms of section 6 implementation, a category of chemically analogous Workplan chemicals would take the functional place of a single chemical substance – EPA could practicably issue a single risk evaluation for that category and address any unreasonable risk by a single rule.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]

Sent: Thursday, July 07, 2016 3:22 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: TSCA question followup

Hi Sven

In the call we had a couple weeks ago, it sounded like OGC hadn't yet made a determination about whether you can use the section 26 category authority for the first 10 WPs (ie, group flame retardants or pigments even though they are not necessarily grouped on the WP itself). Has that been figured out yet?

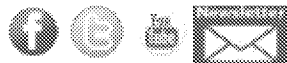
I'm getting increasing numbers of requests for EJM to weigh in on various chemicals and am trying to sort out whether it makes any sense for him to do so.

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey

255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/27/2015 11:58:49 AM
To: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Checking on availability. Thanks,
Sven

On Jul 27, 2015, at 7:17 AM, "Zipkin, Adam (Booker)" <Adam_Zipkin@booker.senate.gov> wrote:

Hi Sven I hope you had a nice weekend! Here are my questions. I could do a call today at 1:00, or we could push back if a little more time would be helpful on your side.

1) Are there many other EPA approved "predacides" other than Compound 1080 and Sodium Cyanide? I am not looking for an exhaustive list, but rather to understand the approximate size of the universe – if those two are the only ones or if there are potentially dozens/hundreds of others out there.

2) If there are other predacides besides Compound 1080 and Sodium Cyanide, are they all approved only for the same use – livestock protection – or are there other approved uses of predacides?

3) On our last call, EPA advised that the 40 CFR 152.5 definition of pests has been revised over time – that one definition existed until July 3, 1975, that a second definition was in place until 1988, and the current definition from 1988 to present. I don't remember if it was stated on the call whether there were rulemakings with public comment when the pest definition was revised in 1975 and 1988? If so, can EPA help me get copies?

4) For Compound 1080 and Sodium Cyanide, are they manufactured in the US for export as well as domestic use? If export is happening, what if any controls are in place for their transport and use in other countries?

Thanks! Adam

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, July 24, 2015 05:29 PM
To: Zipkin, Adam (Booker)
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Adam,
David can do a call Monday anytime before 2 pm. Can you give me an idea of your questions so I get the right folks on the line. Thanks,
Sven

On Jul 24, 2015, at 4:20 PM, "Zipkin, Adam (Booker)" <Adam_Zipkin@booker.senate.gov> wrote:

Sven – I had a few follow up questions -- might it be possible to talk with David again on Monday?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, July 23, 2015 10:27 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Great – please call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy at 4:30 pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [<mailto:Adam.Zipkin@booker.senate.gov>]
Sent: Thursday, July 23, 2015 10:26 AM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

4:30 yes thanks!

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Thursday, July 23, 2015 10:20 AM
To: Zipkin, Adam (Booker) <Adam.Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Following up on yesterday's call, are you available at 4:30pm today - I've got senior folks from the pesticides office and OGC lined up. Please let me know if 4:30 today works. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [<mailto:Adam.Zipkin@booker.senate.gov>]
Sent: Wednesday, July 22, 2015 9:18 AM
To: Kaiser, Sven-Erik
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Thanks - 3:30?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Wednesday, July 22, 2015 09:13 AM
To: Zipkin, Adam (Booker)
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Available today for a call 10-11:30 and after 3pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Tuesday, July 21, 2015 8:07 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Sven that would be great -- I would be interested to talk to any attorney that knows both. Please let me know when might be a good time. Adam

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, July 21, 2015 11:46 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
On further reflection here, if you want to discuss further about the relationship between TSCA and FIFRA, I can offer a call with one of our attorneys who handles both statutes (sort of like speaking two languages). Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Monday, July 20, 2015 9:15 AM
To: 'Zipkin, Adam (Booker)'
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
FIFRA includes pests – defined as living organisms that occur where they are not wanted or that cause damage to crops or humans or other animals. Examples include:

- ? insects,
- ? mice and other animals (this is where the coyotes come in)
- ? unwanted plants (weeds),
- ? fungi, and
- ? microorganisms such as bacteria and viruses.

Please let me know if you would like a call with FIFRA folks on sodium fluoroacetate. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Sunday, July 19, 2015 2:49 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Thanks Sven -- that is helpful, as I am still learning. Please see attached article which states "Sodium Fluoroacetate, also highly toxic, is a "restricted use" chemical, that is only approved for use to protect livestock from coyotes and can only be used by a licensed professional" -- so that approved use (protecting livestock from coyotes) is pursuant to FIFRA? When I think of pesticides, I tend to think of chemicals used to kill bugs, not coyotes -- but sounds like definition of "pest" may be broader than I thought and include animals such as coyotes?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

Sent: Friday, July 17, 2015 7:17 PM

To: Zipkin, Adam (Booker)

Subject: Sen. Booker TSCA TA Request on Compound 1080

Adam --

Sodium fluoroacetate is registered for use as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Like all chemicals with pesticidal uses, this chemical is currently outside of TSCA's jurisdiction to the extent that it is "manufactured, processed, or distributed in commerce for use as a pesticide." See the definition of "chemical substance" at TSCA Section 3(2)(B)(ii).

Please clarify whether you are inquiring about a TSCA ban of the non-pesticidal uses of sodium fluoroacetate, or about a TSCA ban of the pesticidal uses of sodium fluoroacetate. (The latter would require altering the TSCA definition of "chemical substance"). This clarification will help us to scope our response accordingly.

Thanks,

Sven

On Jul 17, 2015, at 4:07 PM, "Zipkin, Adam (Booker)" <Adam_Zipkin@booker.senate.gov> wrote:

Hello Sven. Within my office the idea is being discussed of a possible amendment to Section 6 of TSCA to prohibit the use, production, sale, importation, or exportation of sodium fluoroacetate (known as 'Compound 1080'). At this point I have not proposed adding this to the bill sponsors, and wanted to see if EPA had any TA and/or history with Compound 1080 that you could share? Thanks. Adam

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/24/2015 9:29:08 PM
To: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Adam,

David can do a call Monday anytime before 2 pm. Can you give me an idea of your questions so I get the right folks on the line. Thanks,
Sven

On Jul 24, 2015, at 4:20 PM, "Zipkin, Adam (Booker)" <Adam_Zipkin@booker.senate.gov> wrote:

Sven – I had a few follow up questions -- might it be possible to talk with David again on Monday?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, July 23, 2015 10:27 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Great – please call [Ex. 6 - Personal Privacy] code [Ex. 6 - Personal Privacy] at 4:30 pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Thursday, July 23, 2015 10:26 AM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

4:30 yes thanks!

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, July 23, 2015 10:20 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,

Following up on yesterday's call, are you available at 4:30pm today - I've got senior folks from the pesticides office and OGC lined up. Please let me know if 4:30 today works. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460

202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Wednesday, July 22, 2015 9:18 AM
To: Kaiser, Sven-Erik
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Thanks - 3:30?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Wednesday, July 22, 2015 09:13 AM
To: Zipkin, Adam (Booker)
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Available today for a call 10-11:30 and after 3pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Tuesday, July 21, 2015 8:07 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Sven that would be great -- I would be interested to talk to any attorney that knows both. Please let me know when might be a good time. Adam

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, July 21, 2015 11:46 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
On further reflection here, if you want to discuss further about the relationship between TSCA and FIFRA, I can offer a call with one of our attorneys who handles both statutes (sort of like speaking two languages). Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Monday, July 20, 2015 9:15 AM
To: 'Zipkin, Adam (Booker)'
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,

FIFRA includes pests – defined as living organisms that occur where they are not wanted or that cause damage to crops or humans or other animals. Examples include:

- ? insects,
- ? mice and other animals (this is where the coyotes come in)
- ? unwanted plants (weeds),
- ? fungi, and
- ? microorganisms such as bacteria and viruses.

Please let me know if you would like a call with FIFRA folks on sodium fluoroacetate. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [<mailto:Adam.Zipkin@booker.senate.gov>]

Sent: Sunday, July 19, 2015 2:49 PM

To: Kaiser, Sven-Erik

Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Thanks Sven -- that is helpful, as I am still learning. Please see attached article which states "Sodium Fluoroacetate, also highly toxic, is a "restricted use" chemical, that is only approved for use to protect livestock from coyotes and can only be used by a licensed professional" – so that approved use (protecting livestock from coyotes) is pursuant to FIFRA? When I think of pesticides, I tend to think of chemicals used to kill bugs, not coyotes -- but sounds like definition of "pest" may be broader than I thought and include animals such as coyotes?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

Sent: Friday, July 17, 2015 7:17 PM

To: Zipkin, Adam (Booker)

Subject: Sen. Booker TSCA TA Request on Compound 1080

Adam –

Sodium fluoroacetate is registered for use as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Like all chemicals with pesticidal uses, this chemical is currently outside of TSCA's jurisdiction to the extent that it is "manufactured, processed, or distributed in commerce for use as a pesticide." See the definition of "chemical substance" at TSCA Section 3(2)(B)(ii).

Please clarify whether you are inquiring about a TSCA ban of the non-pesticidal uses of sodium fluoroacetate, or about a TSCA ban of the pesticidal uses of sodium fluoroacetate. (The latter would require altering the TSCA definition of "chemical substance"). This clarification will help us to scope our response accordingly.

Thanks,

Sven

On Jul 17, 2015, at 4:07 PM, "Zipkin, Adam (Booker)" <Adam.Zipkin@booker.senate.gov> wrote:

Hello Sven. Within my office the idea is being discussed of a possible amendment to Section 6 of TSCA to prohibit the use, production, sale, importation, or exportation of sodium fluoroacetate (known as 'Compound 1080'). At this point I have not proposed adding this to the bill sponsors, and wanted to see if EPA had any TA and/or history with Compound 1080 that you could share? Thanks. Adam

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/24/2015 4:45:40 PM
To: Jonathan Black [jonathan_black@tomudall.senate.gov]
Subject: Re: Sen Udall TSCA TA on nomenclature

Yes

On Jul 24, 2015, at 12:22 PM, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov> wrote:

Jonathan,
We looked at the nomenclature TA provided earlier and have possible concerns. Please let me know if you're interested in discussing it and we can set up a call. Thanks,
Sven

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/24/2015 4:22:28 PM
To: Jonathan Black [jonathan_black@tomudall.senate.gov]
Subject: Sen Udall TSCA TA on nomenclature

Jonathan,
We looked at the nomenclature TA provided earlier and have possible concerns. Please let me know if you're interested in discussing it and we can set up a call. Thanks,
Sven

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/23/2015 2:26:35 PM
To: 'Zipkin, Adam (Booker)' [Adam_Zipkin@booker.senate.gov]
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Great – please call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy at 4:30 pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Thursday, July 23, 2015 10:26 AM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

4:30 yes thanks!

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, July 23, 2015 10:20 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Following up on yesterday's call, are you available at 4:30pm today - I've got senior folks from the pesticides office and OGC lined up. Please let me know if 4:30 today works. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Wednesday, July 22, 2015 9:18 AM
To: Kaiser, Sven-Erik
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Thanks - 3:30?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, July 22, 2015 09:13 AM
To: Zipkin, Adam (Booker)
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Available today for a call 10-11:30 and after 3pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Tuesday, July 21, 2015 8:07 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Sven that would be great -- I would be interested to talk to any attorney that knows both. Please let me know when might be a good time. Adam

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, July 21, 2015 11:46 AM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
On further reflection here, if you want to discuss further about the relationship between TSCA and FIFRA, I can offer a call with one of our attorneys who handles both statutes (sort of like speaking two languages). Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Monday, July 20, 2015 9:15 AM
To: 'Zipkin, Adam (Booker)'
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
FIFRA includes pests – defined as living organisms that occur where they are not wanted or that cause damage to crops or humans or other animals. Examples include:

- insects,
- mice and other animals (this is where the coyotes come in)
- unwanted plants (weeds),
- fungi, and
- microorganisms such as bacteria and viruses.

Please let me know if you would like a call with FIFRA folks on sodium fluoroacetate. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [<mailto:Adam.Zipkin@booker.senate.gov>]
Sent: Sunday, July 19, 2015 2:49 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Thanks Sven -- that is helpful, as I am still learning. Please see attached article which states "Sodium Fluoroacetate, also highly toxic, is a "restricted use" chemical, that is only approved for use to protect livestock from coyotes and can only be used by a licensed professional" -- so that approved use (protecting livestock from coyotes) is pursuant to FIFRA? When I think of pesticides, I tend to think of chemicals used to kill bugs, not coyotes -- but sounds like definition of "pest" may be broader than I thought and include animals such as coyotes?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, July 17, 2015 7:17 PM
To: Zipkin, Adam (Booker)
Subject: Sen. Booker TSCA TA Request on Compound 1080

Adam --

Sodium fluoroacetate is registered for use as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Like all chemicals with pesticidal uses, this chemical is currently outside of TSCA's jurisdiction to the extent that it is "manufactured, processed, or distributed in commerce for use as a pesticide." See the definition of "chemical substance" at TSCA Section 3(2)(B)(ii).

Please clarify whether you are inquiring about a TSCA ban of the non-pesticidal uses of sodium fluoroacetate, or about a TSCA ban of the pesticidal uses of sodium fluoroacetate. (The latter would require altering the TSCA definition of "chemical substance"). This clarification will help us to scope our response accordingly.

Thanks,

Sven

On Jul 17, 2015, at 4:07 PM, "Zipkin, Adam (Booker)" <Adam.Zipkin@booker.senate.gov> wrote:

Hello Sven. Within my office the idea is being discussed of a possible amendment to Section 6 of TSCA to prohibit the use, production, sale, importation, or exportation of sodium fluoroacetate (known as 'Compound 1080'). At this point I have not proposed adding this to the bill sponsors, and wanted to see if EPA had any TA and/or history with Compound 1080 that you could share? Thanks. Adam

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/23/2015 2:20:01 PM
To: 'Zipkin, Adam (Booker)' [Adam_Zipkin@booker.senate.gov]
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Following up on yesterday's call, are you available at 4:30pm today - I've got senior folks from the pesticides office and OGC lined up. Please let me know if 4:30 today works. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Wednesday, July 22, 2015 9:18 AM
To: Kaiser, Sven-Erik
Subject: Re: Sen. Booker TSCA TA Request on Compound 1080

Thanks - 3:30?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, July 22, 2015 09:13 AM
To: Zipkin, Adam (Booker)
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,
Available today for a call 10-11:30 and after 3pm. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Tuesday, July 21, 2015 8:07 PM
To: Kaiser, Sven-Erik
Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Sven that would be great -- I would be interested to talk to any attorney that knows both. Please let me know when might be a good time. Adam

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, July 21, 2015 11:46 AM

To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>

Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,

On further reflection here, if you want to discuss further about the relationship between TSCA and FIFRA, I can offer a call with one of our attorneys who handles both statutes (sort of like speaking two languages). Thanks, Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Kaiser, Sven-Erik

Sent: Monday, July 20, 2015 9:15 AM

To: 'Zipkin, Adam (Booker)'

Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Adam,

FIFRA includes pests – defined as living organisms that occur where they are not wanted or that cause damage to crops or humans or other animals. Examples include:

- insects,
- mice and other animals (this is where the coyotes come in)
- unwanted plants (weeds),
- fungi, and
- microorganisms such as bacteria and viruses.

Please let me know if you would like a call with FIFRA folks on sodium fluoroacetate. Thanks, Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]

Sent: Sunday, July 19, 2015 2:49 PM

To: Kaiser, Sven-Erik

Subject: RE: Sen. Booker TSCA TA Request on Compound 1080

Thanks Sven -- that is helpful, as I am still learning. Please see attached article which states "Sodium Fluoroacetate, also highly toxic, is a "restricted use" chemical, that is only approved for use to protect livestock from coyotes and can only be used by a licensed professional" – so that approved use (protecting livestock from coyotes) is pursuant to FIFRA? When I think of pesticides, I tend to think of chemicals used to kill bugs, not coyotes -- but sounds like definition of "pest" may be broader than I thought and include animals such as coyotes?

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

Sent: Friday, July 17, 2015 7:17 PM

To: Zipkin, Adam (Booker)

Subject: Sen. Booker TSCA TA Request on Compound 1080

Adam –

Sodium fluoroacetate is registered for use as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Like all chemicals with pesticidal uses, this chemical is currently outside of TSCA's jurisdiction to the extent that it is "manufactured, processed, or distributed in commerce for use as a pesticide." See the definition of "chemical substance" at TSCA Section 3(2)(B)(ii).

Please clarify whether you are inquiring about a TSCA ban of the non-pesticidal uses of sodium fluoroacetate, or about a TSCA ban of the pesticidal uses of sodium fluoroacetate. (The latter would require altering the TSCA definition of "chemical substance"). This clarification will help us to scope our response accordingly.

Thanks,

Sven

On Jul 17, 2015, at 4:07 PM, "Zipkin, Adam (Booker)" <Adam.Zipkin@booker.senate.gov> wrote:

Hello Sven. Within my office the idea is being discussed of a possible amendment to Section 6 of TSCA to prohibit the use, production, sale, importation, or exportation of sodium fluoroacetate (known as 'Compound 1080'). At this point I have not proposed adding this to the bill sponsors, and wanted to see if EPA had any TA and/or history with Compound 1080 that you could share? Thanks. Adam

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/18/2016 2:15:47 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey Inquiry on Asbestos Trust Fund

Michal – more information on the Asbestos Trust Fund from our financial folks.

The asbestos loan program is a direct loan program managed under the Credit Reform Act of 1990 (CRA). The issuance of new asbestos loans under the program officially ended in 1993. Subsequently, all remaining loan activity since 1993 has occurred for managing loan repayment/collection activities in accordance with the CRA and Debt Collection Act requirements. The Credit Reform Act of 1990 precludes Agencies from repurposing funds for other needs. All asbestos loan related funds under the loan program are managed in accordance with the CRA, which specifically identifies how to manage collections received. Because FY 2016 serves as the final subsidy closing re-estimate year for the asbestos direct loan program, all of the remaining balances related to the Act requirements (including the \$32,189.20 amount) are expected to be zeroed out prior to September 30, 2016 in close-out transactions at the end FY 2016. Although the funds may look available, they are not. The funds are tied to the Asbestos loan program, which is managed under the Credit Reform Act of 1990. The CRA identifies the process for final closing re-estimates. The final Asbestos loan closing re-estimate is in process and will sweep all of the account balances to Treasury prior to September 30, 2016.

Please let me know if any followup questions. Thanks,
Sven

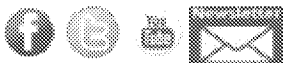
Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Wednesday, July 06, 2016 5:03 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey Inquiry on Asbestos Trust Fund

So the money disappears every year and doesn't sit in the trust fund?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, July 06, 2016 4:48 PM

To: Freedhoff, Michal (Markey)

Subject: Sen. Markey Inquiry on Asbestos Trust Fund

Michal,

This responds to the question about the Asbestos Trust Fund. TSCA provides that “any portion of a civil penalty remaining unspent” after a local educational agency has used the civil penalty to comply with its obligations under TSCA’s provisions relating to asbestos management shall be deposited in the Asbestos Trust Fund in the Treasury. 15 U.S.C. 2647(a); 20 U.S.C. 4022. EPA awarded funds from the Asbestos Trust fund from 1985 through 1993 to 1,428 LEAs to finance grants and loans to schools for asbestos abatement. Because the EPA cannot spend money from the Asbestos Trust Fund absent Congressional appropriation, and Congress has not appropriated funds for that program since fiscal year 1993, EPA has no authority to spend those funds under 20 U.S.C. 4022(d). The current balance is \$32,189.20, which was collected last year. Please let me know if any additional questions.

Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]

Sent: Monday, June 27, 2016 5:54 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: asbestos trust fund question

How much is sitting in that fund? Can it be used for more than AHERA purposes?

thx

Michal Ilana Freedhoff, Ph.D.

Director of Oversight & Investigations

Office of Senator Edward J. Markey

255 Dirksen Senate Office Building

Washington, DC 20510

202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 9/26/2016 2:55:07 PM
To: Schmit, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7077ecbac4914a00ad465398f92bbe78-Schmit, Ryan]; Parsons, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b0a745542b2e4fa894e877ccf8b83957-Parsons, Doug]; Scheifele, Hans [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd4c2e03967741c2a8d643869c0681db-HScheifele]; Pierce, Alison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=036313052e20472ca55f7733de62f969-APierce]; Mojica, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f47e2a2bfbc4434aa9cc1e8c2a385da3-Andrea Mojica]
Subject: HEC TSCA Reform Request
Attachments: TSCA Milestones Chart.pdf

TSCA Reform Team – Jackie Cohen with House Energy and Commerce asks whether we have a TSCA reform calendar showing key dates and deadlines. While not exactly a calendar, I have been using the attached “Key Milestones” chart. Is this still operative, anything more detailed we can share with the hill. Back in June there was a 4 page implementation plan – has that been updated and shared externally?

In addition, Jackie asked about the PBT deadline. I advised that an announcement is going out next week.

Lastly, she asked if we’ve received any industry risk evaluation requests.

Please let me know our responses and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 9/12/2016 7:03:50 PM
To: Parsons, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b0a745542b2e4fa894e877ccf8b83957-Parsons, Doug]
Subject: FW: Sen. Markey Inquiry on Schools with PCB issues
Attachments: summary list school pcbs_aug2016.pdf

Importance: High

Doug - the summary list sent to Michal on Aug. 18

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Thursday, August 18, 2016 2:32 PM
To: Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov>
Subject: Sen. Markey Inquiry on Schools with PCB issues
Importance: High

Michal,
Attached is the summary list of schools in each EPA region where PCBs have been an issue. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, July 05, 2016 4:33 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey Inquiry on Schools with PCB caulk issues

Also to be clear – if there were schools that had PCB ballast or paint or other issues, we want to know about those as well.

Thx - michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742